

AFFIDAVIT OF CONSPICUOUS SERVICE

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INDEX # 07CIV6779

U S DISTRICT COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

The Nyc District Council Of Carpenters Pension Fund
Nyc District Council Of Carpenters Welfare Fund Et Al
- against -
Mccarthy Development

ODWYER & BERNSTEIN
52 Duane St
NEW YORK
NY 10007

(212) 571-7100

Atty File # Record # 102420 File # 39

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Howard Kwastel Lic #0940927 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 09/01/07 at 10:09am at 1686 Metropolitan Ave Apt 2b Bronx Ny 10462 deponent served the within Summons And Complaint In A Civil Action And Judge's Rules on Mccarthy Development therein named by affixing a true copy thereof to the door of said premises, the same being the recipient's usual place of abode within the State of New York. Deponent previously attempted to serve the above named individual on 8/27/07 6:51am 8/29/07 7:06pm

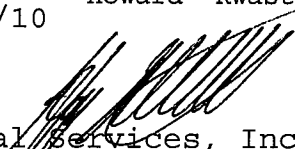
Deponent completed service by depositing a copy of the Summons And Complaint In A Civil Action And Judge's Rules on 09/04/07 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Mailing was made to 1686 Metropolitan Ave Apt 2b Bronx Ny 10462

Refused To Give First Name

Deponent spoke to Mr. McKenzie - 1686 Metropolitan Ave Apt 6B Bronx NY 10462 Inquired as to the defendants place of business and received a negative reply and confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

Sworn to before me this 09/04/07
Jeffrey Wittenberg #41-4906457
Notary Public, State of New York
Nassau County, Commission Expires 08/22/10


Howard Kwastel Lic #0940927


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